



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0179

Introduced 1/19/2007, by Rep. David Reis

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-3.1-1 new

Amends the Criminal Code of 1961. Creates the offense of heinous battery of an unborn child. Defines the offense as intentionally or knowingly without medical legal justification extracting by cutting, severing, mutilating, or otherwise causing by force the unnatural expulsion of an independently viable fetus from the uterus of another living human being. Provides that the penalty is a Class X felony for which a person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 45 years. Exempts from this offense acts that cause bodily harm to an unborn child if those acts were committed during any abortion to which the pregnant woman has consented and acts that were committed pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by adding
5 Section 12-3.1-1 as follows:

6 (720 ILCS 5/12-3.1-1 new)

7 Sec. 12-3.1-1. Heinous battery of an unborn child.

8 (a) A person commits heinous battery of an unborn child if
9 he or she intentionally or knowingly without medical legal
10 justification extracts by cutting, severing, mutilating, or
11 otherwise causing by force the unnatural expulsion of an
12 independently viable fetus from the uterus of another living
13 human being.

14 (b) Heinous battery of an unborn child is a Class X
15 non-probationable felony for which the person shall be
16 sentenced to a term of imprisonment of not less than 6 years
17 and not more than 45 years.

18 (c) For purposes of this Section, "viability" means that
19 stage of fetal development when there is a reasonable
20 likelihood of sustained survival of the fetus outside the womb,
21 with or without artificial support.

22 (d) This Section does not apply to acts that cause bodily
23 harm to an unborn child if those acts were committed during any

1 abortion, as defined in Section 2 of the Illinois Abortion Law
2 of 1975 to which the pregnant woman has consented. This Section
3 does not apply to acts that were committed pursuant to usual
4 and customary standards of medical practice during diagnostic
5 testing or therapeutic treatment.